

REMARKS

Interview summary

Applicants thank Examiner Dunn for participating in the interview held on August 26, 2008. The above amendment of the present claims, and the prior art were discussed. It was agreed that with the above clarifications, the claims are not anticipated or rendered unpatentable by the references of record. Particularly, the Examiner agreed that the clarification of where the message is provided from (the code) and the further detail regarding that it is the code that determines whether the communication takes longer than a specified time, are not disclosed in the prior art of record.

Procedural note

Applicants are filing this response to the final office action dated April 16, 2008, together with a Request for Continued Examination and the appropriate fee. A Notice of panel decision from pre-appeal brief review had been issued on July 24, 2008, and resulted in the application remaining under appeal. Thus, this response terminates the appeal.

Current amendments

As agreed in the interview, Applicants are amending the present independent claims to clarify that the message is provided from the code, and that the code determines whether the specific time has been exceeded. Support for the amendments is found throughout the present disclosure, such as in the description of code 124. Specification 4:12—5:24.

No new matter is added.

Rejections in the final office action

Claims 1-20 are pending, with claims 1, 10, 11, 14 and 15 being independent. Claims 1-3, 10, 11 and 14-15 stand rejected under § 103(a) as unpatentable over U.S. 7,047,426 (Andrews) in view of U.S. 20050125545 (Cheshire). Claims 4, 12 and 17 stand rejected under § 103(a) as unpatentable over Andrews in view of Cheshire and U.S. 20040187104 (Sardesai). Claims 5 and

16 stand rejected under § 103(a) as unpatentable over Andrews in view of in view of Cheshire and U.S. 20040187104 (Sardesai). Claim 8 stands rejected under § 103(a) as unpatentable over Andrews in view of in view of Cheshire and U.S. 20020057285 (Nicholas III). Claims 9, 13 and 19 stand rejected under § 103(a) as unpatentable over Andrews in view of in view of Cheshire and U.S. 6,854,012 (Taylor).

These rejections are rendered moot by the above amendments of the independent claims, but Applicants are not conceding that the rejections have merit. Indeed, in the pre-appeal brief request for review Applicants pointed out several aspects of the earlier claim language that are not disclosed by the references of record.

Nevertheless, in the interest of advancing prosecution, Applicant submits that the claims as amended are patentable over the references of record. And the Examiner agreed with Applicants' position (see interview summary above).

Conclusion

Favorable consideration of claims 1-20 as amended is respectfully requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.


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Respectfully submitted,

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